

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES WILLIAM PEARSON, JR.,	:	CIVIL ACTION NO. 3:16-CV-2322
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 16th day of May, 2018, upon consideration of the report (Doc. 16) of Magistrate Judge Karoline Mehalchick, recommending the court grant the appeal (Doc. 1) of Charles William Pearson, Jr. (“Pearson”) from the decision of the administrative law judge denying Pearson’s application for a period of disability and disability insurance benefits, and remand this matter for further proceedings in accordance with sentence four of 42 U.S.C. § 405(g), wherein Judge Mehalchick opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and in particular that the administrative law judge erred in failing to comply with an appeals council remand order, and the court noting that the Commissioner of Social Security (“Commissioner”) objected to the report, (Doc. 17); see FED. R. CIV. P. 72(b)(2), and Pearson filed a response (Doc. 18) thereto, and following a *de novo* review of the contested portion of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)),

and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court in agreement with Judge Mehalchick that the administrative law judge's decision is not "supported by substantial evidence," 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Mehalchick's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding the Commissioner's objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 16) of Magistrate Judge Mehalchick is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of Charles William Pearson, Jr., and against the Commissioner of Social Security ("Commissioner") as set forth in the following paragraph.
3. The Commissioner's decision is VACATED and this matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately and in an expedited manner in accordance with this order and the report (Doc. 16) of Magistrate Judge Mehalchick.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania